The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שנ"ח סעיף י"ב-י"ד

Overview

Siman 358 Seif 12:

If a *karpeif* was three *bais seah* large and one added a roof covering one *bais seah*, it is permitted, even if the roof is sloped.

- The edge of the roof is extended downwards and all that is left is an area only two *bais seah* which is not a *karpeif*. (M.B. 91)
- Although in general the principle of פי תקרה does not apply to a sloped roof, in this case since Biblically it is a private domain, Chazal were lenient and even though it is a sloped roof the principle of פי תקרה applies. (M.B. 92)

Siman 358 Seif 13:

If the wall between a *karpeif* that is exactly two *bais seah* and a yard is breached entirely, the *karpeif* is prohibited since the place where the wall stood is added to the *karpeif* and that area is now larger than two *bais seah*.

- It was not enclosed for residential purposes. (M.B. 93)
- The yard is wider than the *karpeif* so that from the yard there are still remnants of the walls that remain and that is the reason it is permitted to carry in the yard. (M.B. 94)
- The space of the yard is not added to the *karpeif* since that space is permitted, it is only the space of the wall that is added since that was not part of the yard and is now added to the *karpeif*. (M.B. 95)

Siman 358 Seif 14:

A *karpeif* more than two *bais seah* that was not enclosed for residential purposes and after opening an entrance to the area he constructed another wall that is more than ten *amos* long, he has permitted the area since it nullifies the old wall which was not constructed for residential purposes. If the new wall subsequently falls, the area reverts back to its prohibited state.

- The new wall is at least three *tefachim* from the house. (M.B. 98)
- The same *halacha* is true if he intentionally knocked down the new wall. (M.B. 100)
- We do not say that once the area was permitted it does not revert back to its original state of prohibited. If one used a wall of a house to enclose a *karpeif* and that wall fell, he may not now rely on one of the other walls of the house since they were not constructed to enclose the area. (M.B. 101)

Halacha Highlight

A *karpeif* and yard that are adjacent

Shulchan Aruch Siman 358 Seif 13
שמקומו נכר במשמוש
Its spot is discernable by touching

Shulchan Aruch (סעי' י"ג) discusses a *karpeif* that contained exactly two *bais seah* that was adjacent to a yard (חצר) and there was a wall separating the two domains. If the wall separating the *karpeif* from the yard collapses, it is prohibited to transport items more than four *amos* in the *karpeif*. The reason is that the space that was occupied by the wall is added to the *karpeif* so that it is now larger than two *bais seah* and thus since it was not enclosed for residential purposes, one may not transport objects more than four *amos*. Mishnah Berurah (ס"ק צ"ה) explains that the space of the yard that is now exposed is not added to the area of the *karpeif* since the area of the yard is considered permitted space. However, the area where the wall used to stand is added to the *karpeif* rendering it too large since it was not enclosed for residential purposes.

Mishnah Berurah (ס"ק צ"ו) also emphasizes that the case refers to where the walls of the *karpeif* enter the space of the yard because otherwise it would not be considered as though the *karpeif* is open entirely. The rationale is that if the walls of the *karpeif* do not enter the yard the section of the wall of the yard that is wider than the *karpeif* would be considered part of the wall of the *karpeif*, despite the fact that it is not visible from inside the *karpeif*, and once it is not open entirely, it is considered separated from the place where the wall stood and that area would not be added to the *karpeif*. Maharsha (עירובין כ"ה: ד"ה ההיא) notes that according to Tosafos who explains that when a section is visible from only the outside of an area it is effective only because it is also effective for the adjacent area. Meaning, once it is effective to close off a large yard, it is also effective to close off an adjacent small yard, even though the additional sections are not visible from the perspective of the small yard. That rationale does not apply to a *karpeif* and yard that are adjacent and consequently, we cannot apply that logic.